



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 5

MISCELLANEOUS

Witness summonses

169 Powers of Crown Court and Magistrates' Court to issue witness summons

(1) In section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

(2) In section 97 of the Magistrates' Courts Act 1980 (c. 43) (summons to witness) for subsection (1) substitute—

“(1) Where a justice of the peace is satisfied that—

(a) any person in England or Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, at the summary trial of an information or hearing of a complaint by a magistrates' court, and

(b) it is in the interests of justice to issue a summons under this subsection to secure the attendance of that person to give evidence or produce the document or thing,

the justice shall issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence or to produce the document or thing.”

Changes to legislation: *Serious Organised Crime and Police Act 2005, Cross Heading: Witness summonses is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) In section 97A(1) of that Act (summons as to committal proceedings) for paragraph (b) substitute—
 - “(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or other exhibit, and”.
- (4) In paragraph 4(1) of Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (power of justice to take depositions etc.) for paragraph (b) substitute—
 - “(b) it is in the interests of justice to issue a summons under this paragraph to secure the attendance of the witness to have his evidence taken as a deposition or to produce the document or other exhibit.”
- (5) In section 51A(1) of the Judicature (Northern Ireland) Act 1978 (c. 23) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—
 - “(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

Commencement Information
II S. 169 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(bb)

F1 170 Powers of courts-martial etc. to issue warrants of arrest in respect of witnesses

Textual Amendments
F1 S. 170 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation:

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871